

## **EXHIBIT A**

## Haus, Sherry

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**From:** Seidman, Peter [PSeidman@milbergweiss.com]  
**Sent:** Wednesday, March 28, 2007 3:45 PM  
**To:** Shapiro, Jonathan; Nancy Gans  
**Cc:** Rudman, Jeffrey; psaparoff@mintz.com; sjs@gtmllp.com; Sloane, Peter; Tadler, Ariana; Dumain, Sanford; Kolovos, Peter; Spaeth, Peter; Levin, Eric; Haus, Sherry; Friday, Kim; Estes, Craig; Hess, Gretchen  
**Subject:** RE: Organogenesis Re: FW: Nancy Gans called 2:17 pm

As a courtesy, I will help you overcome your confusion. Our clients, Messrs. Madigan, Bowie, Hofmann and Conen each were appointed Lead Plaintiffs of this consolidated action (surely you don't contest that) and Milberg Weiss was appointed Lead Counsel. Messrs Conen and Bowie withdrew as Lead Plaintiffs. Messrs Hofmann and Madigan remain Lead Plaintiffs and neither of their claims have been dismissed, your suggestions to the contrary notwithstanding. Thus, at this point, Milberg Weiss represents Messrs. Conen and Bowie as individual plaintiffs and Messrs Hofmann and Madigan and plaintiffs and lead plaintiffs. We see no need to clarify the court docket.

Will you assent to our filing the motion for leave referenced below?

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**From:** Shapiro, Jonathan [mailto:Jonathan.Shapiro@wilmerhale.com]  
**Sent:** Wednesday, March 28, 2007 2:30 PM  
**To:** Nancy Gans  
**Cc:** Rudman, Jeffrey; psaparoff@mintz.com; sjs@gtmllp.com; Sloane, Peter; Seidman, Peter; Tadler, Ariana; Dumain, Sanford; Kolovos, Peter; Spaeth, Peter; Levin, Eric; Haus, Sherry; Friday, Kim; Estes, Craig; Hess, Gretchen  
**Subject:** RE: Organogenesis Re: FW: Nancy Gans called 2:17 pm

Nancy,

Before we engage in more meet-and-confer activity, could you clarify who you and Milberg are representing, who you are filing motions on behalf of, and make all of this clear when filing papers with the Court?

Specifically, the motion for a stay you filed this morning (docket no. 214) purports to be filed on behalf of generic "plaintiffs," and the docket description you inserted when filing electronically states that the motion is brought "by Lead Plaintiffs." However, in light of the Court's Order, the only plaintiff (singular) left in the case is Hofmann. In addition, because this is not a class action, Mr. Hofmann is not a "Lead Plaintiff" (just an individual litigant suing on behalf of himself) and his lawyers are not "Lead Counsel" (just attorneys representing an individual litigant). Your email below referring vaguely to "we" and "our" is more of the same.

These are not trivial issues. Defendants and the Court are entitled to know, with respect to every filing, the name of the moving party and his attorney. There is no appropriate reason for this required information to be obscured behind vague references to "Plaintiffs," "Lead Counsel" and so forth. Indeed, didn't Judge Wolf already address the misuse of terms like "lead plaintiffs" during one of your Sonus hearings?

Please address these issues, and clarify the court docket, promptly.

Thanks, Jonathan

-----Original Message-----

**From:** Nancy Gans [mailto:nfgans@gmail.com]  
**Sent:** Wednesday, March 28, 2007 12:22 PM  
**To:** Shapiro, Jonathan  
**Cc:** psaparoff@mintz.com; sjs@gtmllp.com; psloane@milbergweiss.com; PSeidman@milbergweiss.com;

4/11/2007

atadler@milbergweiss.com; SDumain@milbergweiss.com; Kolovos, Peter; Spaeth, Peter; Levin, Eric; Haus, Sherry; Friday, Kim; Estes, Craig; Hess, Gretchen

**Subject:** Re: Organogenesis Re: FW: Nancy Gans called 2:17 pm

We plan to move for leave to file a reply in further support of our motion for leave to serve non-party subpoenas ad testificandum on Novartis and PwC. Will you assent?

On 3/28/07, **Shapiro, Jonathan** <Jonathan.Shapiro@wilmerhale.com> wrote:

Nancy,

I haven't spoken with the other defense counsel since we received yesterday afternoon's Order, so cannot speak for them.

As for our clients, at this point we cannot assent to a stay in light of yesterday's Order. We will work with you to sort out the discovery schedule within that framework for Hofmann's individual claim (we do not see any reasonable basis to conclude that there is anything else left in the case).

As I said on Monday (and last week to Peter Sloane), we do think it makes sense to have a conference with all counsel to discuss all open items and how we should manage process for what is left to do. I still have time on Friday morning, and early next week, if plaintiffs and Peter Saparoff and Sara Shanahan are up for it and available.

Thanks, Jonathan

Jonathan A. Shapiro  
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-----Original Message-----

From: Nancy Gans <[nfgans@gmail.com](mailto:nfgans@gmail.com)>

To: Shapiro, Jonathan

CC: Saparoff, Peter <[PSaparoff@mintz.com](mailto:PSaparoff@mintz.com)>; Sara Jane Shanahan <[sjs@gtmllp.com](mailto:sjs@gtmllp.com)>; Sloane, Peter <[PSloane@milbergweiss.com](mailto:PSloane@milbergweiss.com)>; Seidman, Peter <[PSeidman@milbergweiss.com](mailto:PSeidman@milbergweiss.com)>; Tadler, Ariana <[atadler@milbergweiss.com](mailto:atadler@milbergweiss.com)>; Dumain, Sanford <[SDumain@milbergweiss.com](mailto:SDumain@milbergweiss.com)>

Sent: Tue Mar 27 17:03:18 2007

Subject: Re: FW: Nancy Gans called 2:17 pm

In light of Judge Tauro's order this afternoon, we are withdrawing our revised proposal. As originally planned, we will move for a 60 day stay of all proceedings in this case tomorrow. Jonathan, do I understand that you all still oppose, as you did before, on various grounds? Nancy

On 3/27/07, Shapiro, Jonathan <Jonathan.Shapiro@wilmerhale.com> wrote:

Nancy,

I haven't had a chance to speak with everyone about the revised idea you proposed yesterday, if I am right to assume that is is reason for your calls.

If there is some other urgent matter that I am not aware of, please let me know (I am tied up but am reachable if so), although I tend to doubt that because we already agreed to put off the depositions that had been noticed for this week and next week.

Thanks, Jonathan

-----Original Message-----

From: Hess, Gretchen

Sent: Tuesday, March 27, 2007 2:18 PM

4/11/2007

To: Shapiro, Jonathan  
Subject: Nancy Gans called 2:17 pm

Gretchen Hess  
Assistant to Jonathan Shapiro  
and Christopher Zimmerman  
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